

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claim 28 is canceled without prejudice. Claims 1-27 and 29-30 are pending in this application.

#### **Missing Reference Cite**

In the February 25, 2003 Final Office Action, a rejection was made based on U.S. Patent No. 4,644,493 to Chandra. The February 25, 2003 Final Office Action did not include a Notice of References Cited (PTO-892) citing the 4,644,493 patent, and Applicant respectfully requests that the Patent Office issue a Notice of References Cited Form PTO-892 citing the 4,644,493 patent.

#### **35 U.S.C. § 132**

In the February 25, 2003 Final Office Action, it was asserted that the amendment filed January 24, 2003 introduced new matter into the disclosure. The amendment filed January 24, 2003 was objected to under 35 U.S.C. §132, new claims 24-26, 29, and 30 were objected to under 35 U.S.C. §132, and Applicant's arguments filed January 24, 2003 regarding claims 1, 2, 9, and 15 were indicated as not being persuasive because the amended limitations in claims 1, 2, 9, and 15 are not in the original disclosure. Applicant respectfully disagrees with these assertions and objections.

With respect to claim 2, in the amendment filed January 24, 2003 claim 2 was rewritten in independent form. Claim 2 was not amended to add in any additional elements or to change any of the elements already present in claim 2.

As such, Applicant respectfully submits that the amendment filed January 24, 2003 did not introduce any new matter to claim 2.

With respect to claims 1, 9, 15, and 24, in the February 25, 2003 Final Office Action, in paragraph 1, it was asserted that:

The added material which is not supported by the original disclosure is as follows: wherein each of the trigger files consists of only content other than a decryption key for decrypting the encrypted software module, and wherein the trigger file comprises a prior version of the encrypted software module.

Applicant respectfully disagrees with this assertion, and respectfully submits that the amendment filed January 24, 2003 does not introduce new matter.

Applicant respectfully submits that support for this cited language can be found in Applicant's specification at, for example, page 12, line 13 through page 13, line 5. This portion of Applicant's specification includes, for example, the statement (emphasis added) that **"A trigger file may be a previous version of software module 225 or may be any file suitable for indicating that computer 20 is authorized for having software module 225 installed."** Thus, for at least these reasons, Applicant respectfully submits that the amendment filed January 24, 2003 does not introduce new matter.

Applicant respectfully requests that the §132 objections be withdrawn.

### **35 U.S.C. § 112**

Claim 28 stands rejected under 35 U.S.C. §112, second paragraph. In the February 25, 2003 Final Office Action, it was asserted that "Domestic strength cryptography is not a specific enough measure of cryptography strength." Applicant respectfully disagrees with this assertion. However, in order to advance

prosecution of the remaining claims and to reduce the number of issues for consideration, Applicant has canceled claim 28 without prejudice. The cancellation of claim 28 is not intended to be, and should not be interpreted as, Applicant agreeing with the rejection of claim 28.

**35 U.S.C. § 102**

Claim 27 stands rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,644,493 to Chandra (hereinafter "Chandra"). Applicant respectfully submits that claim 27 is not anticipated by Chandra.

Chandra is directed to binding a particular software distribution package, some part of which is in encrypted form, to a particular hardware subsystem, and making repeating this binding with the same particular software distribution package or replica thereof to another system exceedingly difficult (see, col. 4, lines 11-16). This binding is accomplished by transferring a critical piece of information from the distribution magnetic medium in such a manner that the structures on the medium are changed by the transferring so that the critical information transfer is not performed again in the future (see, col. 3, lines 53-60). The critical information which is transferred is a decryption key needed to run a portion of the software (see, col. 4, lines 3-5).

Claim 27 is directed to a method comprising:

checking whether at least one of a set of one or more trigger files is stored on a computer;  
if at least one of the set of one or more trigger files is stored on the computer, then:  
decrypting an encrypted restricted software module,  
and

installing the decrypted restricted software module on the computer; and  
if at least one of the set of one or more trigger files is not stored on the computer, then installing a non-restricted version of the restricted software module.

As can be seen in claim 27, if at least one of the set of one or more trigger files is stored on the computer then the encrypted restricted software module is decrypted and installed, otherwise a non-restricted version of the restricted software module is installed. Applicant respectfully submits that Chandra does not disclose or suggest determining whether to install a non-restricted version of the software module or to decrypt and install the restricted software module as recited in claim 27.

In contrast to claim 27, Chandra, as discussed above, is directed to changing structures on the distribution medium so that a transfer of a decryption key from the distribution medium is not performed again in the future. Thus, Chandra is directed to altering structures on the distribution medium so that another transfer of the decryption key from the distribution medium is not made, whereas claim 27 is directed to determining whether to install a non-restricted version of the software module or to decrypt and install the restricted software module based on whether at least one of a set of one or more trigger files is stored on a computer. Applicant respectfully submits that nothing in the altering of structures on the distribution medium of Chandra discloses or suggests determining whether to install a non-restricted version of the software module or to decrypt and install the restricted software module based on whether at least one of a set of one or more trigger files is stored on a computer as recited in claim 27.

For at least these reasons, Applicant respectfully submits that claim 27 is allowable over Chandra.

Claims 1, 8-11, 14-16, 19, 20, 22, and 23 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,075,862 to Yoshida et al. (hereinafter "Yoshida"). In the February 25, 2003 Final Office Action Applicant's arguments filed January 24, 2003 regarding claims 1, 2, 9, and 15 were indicated as not being persuasive because the amended limitations in claims 1, 2, 9, and 15 are not in the original disclosure. As discussed above, Applicant respectfully submits that no new matter was added as part of the January 24, 2003 amendment, and thus that claims 1, 2, 9, and 15, as amended, are allowable over the art of record for at least the reasons discussed in the January 24, 2003 amendment.

Given that claim 8 depends from claim 1, claims 10, 11, and 14 depend from claim 9, and claims 16, 19, 20, 22, and 23 depend from claim 15, Applicant respectfully submits that claims 8, 10, 11, 14, 16, 19, 20, 22, and 23 are allowable over the art of record at least because of their dependency on their respective base claims.

Applicant respectfully requests that the §102 rejections be withdrawn.

### **35 U.S.C. § 103**

Claims 4, 6, 12, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Davis and further in view of U.S. Patent No. 5,825,890 to Elgamal (hereinafter "Elgamal"). Claims 7 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of U.S. Patent No. 6,058,478 to Davis (hereinafter "Davis"). Claims 2, 3, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of U.S. Patent No. 5,563,950 to Easter (hereinafter "Easter"). Claims 5 and 17 stand

rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Easter and further in view of U.S. Patent No. 5,199,073 to Scott (hereinafter "Scott"). Applicant respectfully submits that claims 4, 6, 12, 21, 7, 13, 2, 3, 18, 5, and 17 are allowable over the art of record.

With respect to claim 2, The February 25, 2003 Office Action states, at ¶ 12, p. 8, that "Yoshida does not describe storing or retrieving the decryption key from a database. Easter discloses a public key that is obtainable from a database (Col. 1, lines 55-58)." However, Applicant respectfully submits that even if Yoshida and Easter are combined, the combination does not disclose or suggest the installation module of claim 2.

Claim 2 recites:

An installation module comprising:  
an encrypted software module;  
an executive for decrypting the encrypted software module  
when at least one of a set of trigger files is stored on a computing  
system; and  
a database for identifying the trigger files.

Thus, in claim 2, the database for identifying the trigger files is **part of the same installation module** as the encrypted software module and the executive. In contrast, Easter discloses, at col. 1, lines 50-58 (emphasis added) that:

An alternate data encryption technique comprises public key cryptography. According to this technique, users can exchange encrypted information without initially exchanging a common secret master key. Specifically, each user has both an individual public key ("K<sub>p</sub>") and an individual private (i.e. secret) key ("K<sub>s</sub>"). **The public key is obtainable from a common database of every user and their respective public key (the database is typically maintained on a central computing system that is designated a "key manager").**

Applicant respectfully submits that a common database of every user and their respective public key as discussed in Easter is different than **a database for identifying trigger files that is part of an installation module** as claimed in claim 2. Nowhere does Easter disclose or suggest that its common database of every user and their respective key can be included in an installation module. Applicant respectfully submits that the mere disclosure of a common database of every user and their respective public key does not disclose or suggest a database that is part of the same installation module as the encrypted software module and the executive as recited in claim 2.

Applicant thus submits that neither Yoshida nor Easter, individually or in combination, discloses or suggests a database for identifying trigger files as claimed in claim 2. For at least these reasons, Applicant respectfully submits that claim 2 is allowable over Yoshida in view of Easter.

With respect to claim 3, claim 3 depends from claim 2 and Applicant respectfully submits that claim 3 is allowable over Yoshida in view of Easter at least because of its dependency on claim 2.

With respect to claim 4, claim 4 depends from claim 2. Applicant respectfully submits that Davis is not cited as disclosing, and does not disclose, a database for identifying the trigger files is part of the same installation module as the encrypted software module and the executive as recited in claim 2. Thus, Applicant respectfully submits that Davis does not overcome the deficiencies of Yoshida, and that claim 4 is allowable over Yoshida in view of Davis at least because of its dependency on claim 2.

With respect to claim 5, claim 5 depends from claim 2. Applicant respectfully submits that Scott is not cited as disclosing, and does not disclose, a database for identifying the trigger files is part of the same installation module as the encrypted software module and the executive as recited in claim 2. Thus, Applicant respectfully submits that Scott does not overcome the deficiencies of Yoshida and Easter, and that claim 5 is allowable over Yoshida in view of Easter and Scott at least because of its dependency on claim 2.

With respect to claim 18, Applicant respectfully submits that, similar to the discussion above regarding claim 2, Yoshida in view of Easter does not disclose or suggest wherein the decrypting includes retrieving a cryptographic key from a database of an installation module that includes the encrypted software module as recited in amended claim 18. For at least these reasons, Applicant respectfully submits that amended claim 18 is allowable over Yoshida in view of Easter.

With respect to claims 6 and 7, claims 6 and 7 depend from claim 1. As discussed above, Applicant respectfully submits that no new matter was added as part of the January 24, 2003 amendment and that claim 1 is allowable over the art of record for at least the reasons discussed in the January 24, 2003 amendment. Given their dependency on claim 1, Applicant respectfully submits that, analogous to the discussion in the January 24, 2003 amendment, claims 6 and 7 are allowable over the art of record at least because of their dependency on claim 1.

With respect to claims 12 and 13, claims 12 and 13 depend from claim 9. As discussed above, Applicant respectfully submits that no new matter was added as part of the January 24, 2003 amendment and that claim 9 is allowable over the art of record for at least the reasons discussed in the January 24, 2003 amendment.



Given their dependency on claim 9, Applicant respectfully submits that, analogous to the discussion in the January 24, 2003 amendment, claims 12 and 13 are allowable over the art of record at least because of their dependency on claim 9.

With respect to claims 17 and 21, claims 17 and 21 depend from claim 15. As discussed above, Applicant respectfully submits that no new matter was added as part of the January 24, 2003 amendment and that claim 15 is allowable over the art of record for at least the reasons discussed in the January 24, 2003 amendment. Given their dependency on claim 15, Applicant respectfully submits that, analogous to the discussion in the January 24, 2003 amendment, claims 17 and 21 are allowable over the art of record at least because of their dependency on claim 15.


Applicant respectfully requests that the §103 rejections be withdrawn.

### **Conclusion**

Claims 1-27 and 29-30 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: April 25, 2003

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